

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia
Savannah DivisionUnited States of America
v.

Niyonu Spaulding

Date of Previous Judgment: January 12, 2006
(Use Date of Last Amended Judgment if Applicable)

)
)
) Case No: CR405-00003-002
) USM No: 12179-021
) Robert Rosenblum
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 188 months is reduced to 176 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 34 Amended Offense Level: 32
Criminal History Category: IV Criminal History Category: IV
Previous Guideline Range: 210 to 262 months Amended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☒ Other (explain): The reduced sentence is within the amended guideline range; however, the Court will not depart below the amended guideline range based on the 5K1.1 motion filed before the original sentencing. The Court has considered all the sentencing factors set forth in 18 U.S.C. § 3553(a) and has determined 176 months is the appropriate sentence as the defendant poses a threat to the community.


III. ADDITIONAL COMMENTS

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a 'Time Served' sentence.

Except as provided above, all provisions of the judgment dated January 12, 2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: 2-4-2009


Judge's signature

Effective Date: _____
(if different from order date)

B. Avant Edenfield
United States District Judge
For the Southern District of Georgia
Printed name and title